

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BOSTON PARENT COALITION FOR)
ACADEMIC EXCELLENCE CORP.,)
)
Plaintiff,)
)
v.) Civil Action No. 1:21-cv-10330-WGY
)
SCHOOL COMMITTEE OF THE CITY OF)
BOSTON, ALEXANDRA OLIVER-DAVILA,)
MICHAEL O'NEIL, HARDIN COLEMAN,)
LORNA RIVERA, JERI ROBINSON, QUOC)
TRAN, ERNANI DeARAUJO, and BRENDA)
CASSELLIUS,)
)
Defendants,)
)
THE BOSTON BRANCH OF THE NAACP,)
THE GREATER BOSTON LATINO)
NETWORK, ASIAN PACIFIC ISLANDER)
CIVIC ACTION NETWORK, ASIAN)
AMERICAN RESOURCE WORKSHOP,)
MAIRENY PIMENTAL, and H.D.,)
)
Defendants-Intervenors.)
)

**DEFENDANTS' PARTIALLY ASSENTED-TO MOTION
FOR EXTENSION OF TIME TO FILE OPPOSITION TO
RULE 60(b) MOTION AND TO CONTINUE MOTION HEARING**

Defendants School Committee of the City of Boston, School Committee members Alexandra Oliver-Davila, Michael O'Neil, Hardin Coleman, Lorna Rivera, Jeri Robinson, Quoc Tran, and Ernani DeAraujo and Superintendent of Boston Public Schools Brenda Cassellius – with the assent of Defendant-Intervenors and the partial assent of Plaintiff (explained below) – hereby move for an extension of time, up to and including August 17, 2021, in which Defendants (and Defendant-Intervenors) have to file their opposition to Plaintiff's pending motion under

Fed. R. Civ. P. 60(b). Defendants also move for a continuance of the just-scheduled hearing on Plaintiff's motion to a convenient date for the Court and parties after August 17, 2021. In support of this Motion, Defendants state:

- 1) Given Plaintiff's filing of its Rule 60(b) motion on June 22, 2021, Defendants' (and Defendant-Intervenors') opposition is currently due to be filed by July 6, 2021. Yesterday, June 30, 2021, the Court scheduled a hearing on Plaintiff's motion for July 9, 2021.
- 2) Defendants' undersigned counsel have significant, pressing issues that make compliance with the current opposition and hearing dates unworkable. Foremost, the undersigned are lead trial counsel in a case in this Court scheduled for a jury trial beginning on July 13, 2021. See Payne-Callender v. City of Boston Police Department, et al., 19-cv-11286 (RGS). The trial, estimated by the plaintiff in that case to last at least two weeks, has and will continue to involve extensive trial preparations. The undersigned has simply been unable – and will continue to be unable until at least the trial's end – to comprehensively review and analyze Plaintiff's motion and arguments and then research and prepare an appropriate response thereto.
- 3) Counsel for Defendant-Intervenors and Plaintiff have been contacted about this motion. Defendant-Intervenors assent to it. Plaintiff assents to an extension of time for Defendants' opposition and a continuance of the hearing date, but only to a date close in time to the conclusion of the aforementioned jury trial, i.e., sometime during the week of July 26, 2021.

WHEREFORE, Defendants respectfully request that the Court extend the time, up to and including August 17, 2021, in which Defendants (and Defendant-Intervenors) have to file their opposition to Plaintiff's pending motion under Fed. R. Civ. P. 60(b) and that the Court's hearing thereon be continued to a convenient date for the Court and parties after August 17, 2021.

Respectfully submitted,

SCHOOL COMMITTEE OF THE CITY OF BOSTON, ALEXANDRA OLIVER-DAVILA, MICHAEL O'NEIL, HARDIN COLEMAN, LORNA RIVERA, JERI ROBINSON, QUOC TRAN, ERNANI DeARAUJO, and BRENDA CASSELLIUS,

By their attorneys,

/s/Kay H. Hodge

Kay H. Hodge (BBO # 236560)

khodge@scmllp.com

John M. Simon (BBO #645557)

jsimon@scmllp.com

Stoneman, Chandler & Miller LLP

99 High Street

Boston, MA 02110

(617) 542-6789

Catherine A. Lizotte (BBO #666468)

catherine.lizotte@cityofboston.gov

Legal Advisor

Boston Public Schools

2300 Washington Street Boston, MA 02119

(617) 635-9250

Dated: July 1, 2021

Certification Pursuant to Local Rule 7.1(A)(2)

I hereby certify that, pursuant to Local Rule 7.1(A)(2), Defendants' counsel conferred with Plaintiff's counsel, Callan Stein, Esq., and Defendant-Intervenors' counsel, Doreen Rachal, Esq., by telephone and email on June 30 and July 1, 2021 regarding the subject matter of this motion in a reasonable and good faith attempt to resolve and/or narrow the issues addressed herein.

/s/Kay H. Hodge

Kay H. Hodge

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent by first class mail, postage prepaid, to those indicated as non-registered participants on July 1, 2021.

/s/Kay H. Hodge

Kay H. Hodge